

<b>Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/017,475	JENKINS ET AL.	
	Examiner Leigh McKane	Art Unit 1744	

All participants (applicant, applicant's representative, PTO personnel):

(1) Leigh McKane (3) \_\_\_\_\_

(2) Melissa Beede (4) \_\_\_\_\_

Date of Interview: 22 June 2007.

Type: a) Telephonic b) Video Conference  
c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.  
If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: \_\_\_\_\_.

Identification of prior art discussed: \_\_\_\_\_.

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Ms. Beede contacted the Examiner in response to the Requirement for Restriction of 6/13/07, as it appeared from the Examiner's action that the Examiner did not see the Election set forth in the Response filed 3/19/07. Upon reviewing the file, the Examiner agreed that she did not see the Election and that reissuing the Requirement for Restriction was in error. An Office Action on the Merits will be issued.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
Examiner's signature, if required

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

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#### Examiner to Check for Accuracy

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the general results of the interview unless already described in the interview Summary Form completed by

- 7) if appropriate, the general results of outcome of the interview unless already described in the interview Summary Form completed by the examiner.
- 6) a general indication of any other pertinent matters discussed, and describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 5) a brief identification of the general thrust of the principal arguments made to the examiner. The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required.
- 4) an identification of the specific prior art discussed.
- 3) an identification of the specific prior art discussed.
- 2) an identification of the claims discussed.
- 1) A brief description of any nature of any exhibit shown or any demonstration conducted.

A complete and proper recitation of the substance of any interview should include at least the following applicable items:

unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the should be noted, however, that the interview Summary Form will not normally be considered a complete and proper recitation of the interview. It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of each case. It

- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action).
- Not restrict further by the examiner to the contrary.
- Attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not indicate whether an amendment was reached and if so, a description of the general nature of the agreement (may be by an indication whether an amendment was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An identification whether or not an exhibit was shown or a demonstration conducted
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- Type of interview (telephonic, video-conference, or personal)
- Date of interview
- Name of examiner
- Application Number (Series Code and Serial Number)
- The Form provides for recitation of the following information:

The interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance address concludes the interview. The interview Summary Form shall be mailed promptly after the interview rather than with the next official communication. If either by hypographical errors or unreadable script in Office actions or patent examination procedures, or failing to record in an Examiner's Amendment, no separate interview record is required. Where the requirements for which interview is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or failing to record in an interview Summary Form for each interview held where a matter of substance has been discussed during the interview is incomplete without recording only procedural matters, directed solely to restriction which bear directly on the question of patentability.

It is the responsibility of the applicant or the attorney or agent to see that such a record is made and to correct material inaccuracies through the failure to record the substance of interviews.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement of double.

In every instance where recordable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.11, 1.135, (35 U.S.C. 132) warning language.

#### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

##### Paragraph (b)

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

#### Summary of Record of Interview Requirements